

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS  
Norfolk/Newport News DivisionSENTENCING MINUTES

Set: 10:00 a.m.  
Started: 10:00 a.m.  
Ended: 11:10 a.m.

Date: October 15, 2013  
Judge: Mark S. Davis  
Court Reporter: Paul McManus  
U.S. Attorney: Amy Cross  
Defense Counsel: Larry Woodward, Jr.  
Courtroom Deputy: Valerie Ward  
Probation Officer: Tara Gill  
Interpreter: \_\_\_\_\_

Case No. 2:12cr196  
Defendant: Brett C. Walsh

( ) in custody ( ☒ ) on bond

☒ Came on for disposition. ☒ Deft. sworn.  
\_\_\_\_ Govt/Deft's \_\_\_\_\_ motion for downward departure.  
\_\_\_\_ motion for one-level reduction in offense level.  
\_\_\_\_ Granted. \_\_\_\_\_ Denied.  
☒ The Court adopts the factual statements contained in the Presentence Report  
☒ Presentence Report reviewed. ☒ Objections <sup>(resolved)</sup> heard and rulings made.  
\_\_\_\_ Evidence presented. (Witnesses and exhibits listed on last page)  
☒ Arguments of counsel heard. ☒ Statement of deft. heard.  
☒ The Court made a finding of GUILT as to Count(s) 2.

IMPRISONMENT:

SENTENCE: Counts 2: The deft. shall be committed to the custody of the BOP to be imprisoned for a total term of 12 months. <sup>+180</sup> The term consists of \_\_\_\_\_ months on count \_\_\_\_\_, a term of \_\_\_\_\_ months on count \_\_\_\_\_, a term of \_\_\_\_\_ months on count \_\_\_\_\_, and a term of \_\_\_\_\_ months on count \_\_\_\_\_, to be served concurrently/consecutively.

☒ The deft. is remanded to the custody of the U.S. Marshal.

\_\_\_\_ The deft. shall surrender for service of the sentence at the institution designated by the BOP/U.S. Marshal before \_\_\_\_\_ on \_\_\_\_\_, as notified by the U.S. Marshal.

\_\_\_\_ If deft. is unable to arrange transportation to the designated institution, the United States Marshal will arrange transportation for the defendant.

\_\_\_\_ If the defendant is not notified by the United States Marshal of the institution designated, the defendant shall report to the United States Marshal at 600 Granby Street, Norfolk, VA, by \_\_\_\_\_ on \_\_\_\_\_, to begin service of the sentence.

PROBATION:

\_\_\_\_ The deft. shall be placed on probation for a term of \_\_\_\_\_ years.

SUPERVISED RELEASE:

✓ Upon release from imprisonment, the deft. shall be on supervised release for a term of 2 year(s). This term consists of \_\_\_\_ years on count \_\_\_\_, a term of \_\_\_\_ years on count \_\_\_\_, and a term of \_\_\_\_ years on count \_\_\_\_, all to run concurrently.

Standard Conditions of Supervised/Probation:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

✓ The deft. shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter, as directed by the probation officer.

\_\_\_\_ As reflected in the presentence report, the deft. presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.

\_\_\_\_ It shall be a condition of supervised release that the deft. pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

Special Conditions of Supervised Release/Probation:

✓ *If tests positive for illicit substances during period of supervision,*  
The deft. shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the deft. has reverted to the use of drugs or alcohol, with partial costs to be paid by the deft., all as directed by the probation officer.

\_\_\_\_ The deft. shall waive all rights of confidentiality regarding substance abuse treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

\_\_\_\_ The deft. shall participate in a program approved by the United States Probation Office for mental health treatment to include anger management. The cost of this program is to be paid by the defendant as directed by the probation officer. The deft. shall waive all rights of confidentiality regarding substance abuse treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

✓ The deft. shall make himself available to go into some of the schools in his community, in particularly, and namely Western Branch, Churchland and Norcum, and I want him to make himself available to speak to students about his experience.

FINANCIAL PENALTIES

☒ Court finds deft. is unable to pay fine, cost of prosecution, cost of imprisonment or supervised release.

SPECIAL ASSESSMENT:

☒ As to count 2, the deft. shall pay a special assessment in the amount of \$100.

As to count \_\_\_\_\_, the deft. shall pay a special assessment in the amount of \_\_\_\_\_.

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The total special assessment due is \$100 and shall be due in full immediately.

FINE:

\_\_\_\_\_ The deft. shall pay a fine in the amount of \$ \_\_\_\_\_.

RESTITUTION:

\_\_\_\_\_ The deft. shall make restitution in the amount of \$ \_\_\_\_\_.

\_\_\_\_\_ Restitution Judgment Order, entered and filed in open court.

SCHEDULE OF PAYMENTS:

\_\_\_\_\_ Interest will not accrue if the special assessment/fine/restitution is paid in accordance with the schedule, or any modified schedule, set by this court.

☒ The special assessment/~~fine/restitution~~ is due and payable immediately. Any balance remaining unpaid on the special assessment/~~fine/restitution~~ at the inception of supervision, shall be paid by the deft. in installments of not less than \$25 per month, until paid in full. Said payments shall commence 60 days after deft's supervision begins.

\_\_\_\_\_ At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/fine/restitution ordered and shall notify the court of any change that may need to be made to the payment schedule.

\_\_\_\_\_ Each restitution payment shall be divided proportionately among the payees named.

\_\_\_\_\_ Restitution shall be made jointly and severally with \_\_\_\_\_

Nothing in the Court's order shall prohibit the collection of any judgment by the United States.

Any special assessment, restitution, or fine payments may be subject to penalties for default and delinquency.

Since this judgment imposes a period of imprisonment, payment of Criminal Monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

✓ The deft. shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

\_\_\_\_\_ The deft. notified of right of appeal.

✓ \_\_\_\_\_ Court noted that deft. waived right of appeal in plea agreement.

✓ \_\_\_\_\_ On motion of gov't, remaining counts dismissed.

\_\_\_\_\_ The deft. is continued on present bond and cautioned re bail jumping.

\_\_\_\_\_ Court recommends incarceration at

\_\_\_\_\_ a facility as close to the Tidewater Virginia area as possible.

\_\_\_\_\_ a facility with a drug treatment program when and if defendant qualifies.

\_\_\_\_\_ Consent Order of Forfeiture, executed and filed in open court.

Additional Counts/Comments:

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